

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

ROBERT W. TESSEN,

Petitioner,

v.

KENT LEPAK and
STEVENS POINT POLICE DEPARTMENT,

Respondents.

ORDER

08-cv-556-bbc

Petitioner Robert Tessen has responded to the September 25, 2008 order by submitting a copy of his six-month trust fund account statement so that I can assess an initial partial payment of the \$350 fee for filing this case. From the statement, I have calculated petitioner's initial partial payment to be \$.87. If petitioner does not have the money to make the initial partial payment in his regular account, he will have to arrange with prison authorities to pay some or all of the assessment from his release account. This does not mean that petitioner is free to ask prison authorities to pay *all* of his filing fee from his release account. The only amount petitioner must pay at this time is the \$.87 initial partial payment. Before prison officials take any portion of that amount from petitioner's

release account, they may first take from petitioner's regular account whatever amount up to the full amount petitioner owes.

ORDER

IT IS ORDERED that petitioner is assessed \$.87 as an initial partial payment of the \$350 fee for filing this case. He is to submit a check or money order made payable to the clerk of court in the amount of \$.87 on or before November 17, 2008. If, by November 17, 2008, petitioner fails to make the initial partial payment or show cause for his failure to do so, he will be held to have withdrawn this action voluntarily. In that event, the clerk of court is directed to close this file without prejudice to petitioner's filing his case at a later date.

Entered this 27th day of October, 2008.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge